

REMARKS

Claims 1, 5 and 30-31 are pending. Claims 2-4, 6-29 are canceled. No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 1, 5 and 30-31 are rejected under 35 U.S.C. § 103(a) as obvious in view of Jerome (U.S. Patent No. 6,855,561).

Claim 1 requires an assay device for detecting an analyte in a liquid sample. The assay device comprises a casing, a labeling region, and a nitrocellulose strip. The casing includes at least one window. The nitrocellulose strip is located within the casing, and is substantially opaque in a dry state and translucent when contacted by the liquid sample. The strip includes an analyte detection region, a printed line, and a control region. The analyte detection region includes an immobilized binding agent which binds the analyte. The printed line is located on the lower surface of the strip in the analyte detection region. The printed line is on the side of the nitrocellulose strip that is not visible through the window when the nitrocellulose strip is in a dry state. The control region is located downstream of the analyte detection region. In use, the liquid sample contacts and migrates along the nitrocellulose strip, and the printed line is visible to a user through the window when the nitrocellulose strip is translucent.

Jerome describes a test device including a support bearing a mark thereon. In operation, an observation area in the test device becomes transparent, thereby allowing the user to view a mark that is present on a support that is disposed beneath the observation area (see Jerome, abstract).

Jerome fails to disclose or suggest a printed line located on the lower surface of a test strip in the analyte detection region. Jerome also fails to disclose or suggest a printed line on the

side of a nitrocellulose strip that is not visible through the window when the nitrocellulose strip is in a dry state. In contrast to the present claims, the control line of Jerome is located on a support deposited beneath the observation area.

As Jerome fails to disclose or suggest all of the limitations of the present claims, the claims are not obvious in view of Jerome. Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,

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